

If you want access to . . .	Then access is governed by . . .
(e) Documents created by Presidents holding office before 1981 and housed in a NARA Presidential library.	The deed of gift under which they were given to NARA. These documents are not agency records and FOIA does not apply to these materials.
(f) Nixon Presidential materials	Part 1275 of this chapter. FOIA does not apply to these materials.

§ 1250.8 Does NARA provide access under FOIA to all the executive branch records housed at NARA facilities?

(a) NARA provides access under FOIA to the records NARA creates (*operational* records) and records originating in the executive branch that have been transferred to the legal custody of the Archivist of the United States (*archival* records).

(b) NARA's National Personnel Records Center (NPRC), located in St. Louis, Missouri, is the repository for twentieth-century personnel and medical records of former members of the military and personnel records of former civilian employees of the Federal Government.

(1) Those official personnel and medical files that have been transferred to NARA's legal custody, which occurs 62 years after the date of an employee's or veteran's separation from Federal service, are processed by NARA according to this part, at §§ 1250.20 through 1250.32.

(2) Those personnel and medical records that remain in the legal custody of the agencies that created them are governed by the FOIA and other access regulations of the originating agencies, which the NPRC processes under authority delegated by the originating agencies, not under the provisions of this part. Because of the intricacies of other agencies' FOIA regulations, further explanation here is not feasible. More information about the NPRC processes, including access to NPRC records, is available on NARA's Web site at <http://www.archives.gov/st-louis/military-personnel/> and at <http://www.archives.gov/st-louis/civilian-personnel>.

(c) NARA's Federal records centers store records that agencies no longer need for day-to-day business. These records remain in the legal custody of the agencies that created them. Requests for access to another agency's records in a NARA Federal records cen-

ter should be made directly to the originating agency. We do not process FOIA requests for these records.

(d) If your FOIA request includes a record in the legal custody of an originating agency, we forward that request to the originating agency for processing. We also provide you with notification that we have done so and with contact information for the originating agency. (See 36 CFR 1256.2 for more information about how to access records that are stored in Federal records centers.)

§ 1250.10 Do I need to use FOIA to gain access to records at NARA?

(a) Most *archival* records held by NARA have no restrictions to access and are available to the public for research without filing a FOIA request. You may either visit a NARA facility as a researcher to view and copy records or you may write to request copies of specific records. (See subpart B of 36 CFR part 1256 for more information about how to access archival records.)

(b) If you are seeking access to *archival* records that are not yet available to the public, you need to file a FOIA request. (See 36 CFR 1256.22 for information on how to request access to restricted archival records. See paragraph (d) of this section, and part 1260, for additional procedures on access to classified records.)

(c) You must also file a FOIA request when you request access to NARA *operational* records (records NARA creates) that are not already available to the public.

(d) If you are requesting records that you know are classified to protect national security interests, you may wish to use the Mandatory Declassification Review process, which is set forth at 36 CFR 1260.70. (Please see NARA's FOIA Guide, available online at <http://www.archives.gov/foia/foia-guide.html>, for the differences between the FOIA